

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. 3042

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
SECTION 27-4 OF THE OXNARD CITY CODE REGARDING NO-FAULT JUST
CAUSE EVICTIONS OCCURRING AS THE RESULT OF A DEMOLITION OR
SUBSTANTIAL REMODEL

WHEREAS, effective January 1, 2020, the Tenant Protection Act of 2019, Assembly Bill 1482 (“AB 1482”) added Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, subject to certain exceptions, AB 1482 prohibits an “owner” (as defined) of “residential real property” (as defined) from terminating a tenancy without “just cause” (as defined); and

WHEREAS, AB 1482’s just cause eviction provisions expressly permit an owner to evict a tenant to “substantially remodel” the rental unit (Civ. Code §1946.2(b)(2)(D)(i)); and

WHEREAS, the Oxnard City Council adopted Ordinance 3012 on May 3, 2022, which among other things, codified AB 1482’s definition of “substantially remodel” at Oxnard City Code Section 27-4(D); and

WHEREAS, loopholes in AB 1482 have led to widespread abuses that leave many covered renters vulnerable to displacement or eviction in instances where an owner terminates a tenancy under the guise of substantially remodeling a unit when the owner has no intent to actually perform the substantial remodel; and

WHEREAS, the Oxnard City Council desires to update the City’s no-fault just cause eviction regulations to close these loopholes, and provide more protective just cause regulations than AB 1482.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN
AS FOLLOWS:

PART 1. ENVIRONMENTAL REVIEW

The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2) in that the adoption of this Ordinance will not result in a direct or reasonably

Ordinance 3042

foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

PART 2. CODE AMENDMENT

CHAPTER 27, ARTICLE I, SECTION 27-4 (D) of the Oxnard City Code is hereby amended to read as follows:

“(D) *Intent to demolish or to substantially remodel the residential real property.* For purposes of this section, “substantially remodel” means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, State, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as a substantial remodel.

A tenant is not required to vacate the residential real property on any days where a tenant could continue living in the residential real property without the violation of health, safety, and habitability legal requirements.

(1) A written notice terminating a tenancy for a just cause pursuant to this Section 27-4(D) shall include all of the following information:

(a) A statement informing the tenant of the owner’s intent to demolish the property or substantially remodel the rental unit property.

(b) The following statement:

“If the substantial remodel of your unit or demolition of the property as described in this notice of termination is not commenced or completed, the owner must offer you the opportunity to re-rent your unit with a rental agreement containing the same terms as your most recent rental agreement with the owner at the rental rate that was in effect at the time you vacated. You must notify the owner within thirty (30) days of receipt of the offer to re-rent of your acceptance or rejection of the offer, and, if accepted, you must reoccupy the unit within thirty (30) days of notifying the owner of your acceptance of the offer.”

(c) A description of the substantial remodel to be completed, the approximate expected duration of the substantial remodel, or if the property is to be demolished, the

Ordinance 3042

expected date by which the property will be demolished, together with one of the following:

(i.) A copy of the issued permit or permits required to undertake the substantial remodel or demolition.

(ii.) If the remodel does not require any permit, a copy of the signed contract with the contractor hired by the owner to complete the substantial remodel, that reasonably details the work that will be undertaken to abate the hazardous materials.

(d) A notification that if the tenant is interested in reoccupying the rental unit following the substantial remodel, the tenant shall inform the owner of the tenant's interest in reoccupying the rental unit following the substantial remodel and provide to the owner the tenant's address, telephone number, and email address.

(2) The owner shall provide 60 days advance written notice to the tenant of the ability to reoccupy the unit upon completion of the repairs, or if requested by the tenant, the right of first refusal to any comparable vacant rental unit which has been offered at comparable rent owned by the owner; and

(3) In the event the owner seeks to rent the remodeled unit within six months following the completion of the remodeling work, the evicted tenant shall have the right of first refusal to reoccupy and rent the unit, unless the owner provides a written waiver by the tenant of their right to reoccupy the premises pursuant to this subsection.

(4) An owner's failure to strictly comply with this section shall render a notice of termination of a tenancy void and shall be an affirmative defense to an unlawful detainer action."

Part 3. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

Part 4. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the

Ordinance 3042

ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 3042 was first read on January 25, 2024, and finally adopted on February 6, 2024 to become effective thirty days thereafter.

AYES: Councilmembers Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela, and Zaragoza

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:




Rose Chaparro, City Clerk



John C. Zaragoza, Mayor

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney